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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,671	02/20/2001	John T. Foreman	5040-06324	6039

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EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 04/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/788,671

Applicant(s)

FOREMAN ET AL.

Examiner

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1165 - 1175 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1165 - 1175 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7, 8, 9, 10, 11.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of **50 to 150** words. Applicant's abstract is too short, at 25 words.

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art **to which the invention** pertains.

Applicant's abstract is not directed to the claimed invention, which is an input method for eyeglass prescription information.

3. The disclosure is objected to because it is so extensive as to contain numerous details that are unrelated to the claimed invention, <sup>It</sup> ~~as to~~ lack<sup>s</sup> clarity in setting forth the actual disclosure. The Examiner notes, for example, that figs 1 – 16, 20 – 35, 37 – 41; page 14, line 7 – page 32, line 21; page 45, line 21 – page 72, line 3; page 80, line 27 – page 92, line 11; page 141, line 1 – page 144, line 17; page 167, line 13 – page 220, line 1 are not specifically related to the eyeglass prescription entering method that is presently claimed. For clarity's sake, applicant might consider filing a substitute specification that is so redacted as to obviate this difficulty.

RB

Appropriate correction is required.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1165 – 1175 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission as to prior art in the specification, when taken in view of Saigo et al. ("Saigo"; US #5,485,399 A). The other claims 1 – 1164, 1176 – 1287 have been canceled, by way of the preliminary amendment received 25 May 2001.

As per independent claim 1165's "method for collecting prescription information for an eyeglass lens forming apparatus, the eyeglass lens forming apparatus comprising a curing unit configured to apply light and heat to a mold assembly", applicant admits at paragraph [0004] of the present specification that "[i]t is conventional in the art to produce optical lenses by thermal curing techniques from the polymer of diethylene glycol bis(allyl)-carbonate (DEG-BAC). In addition, optical lenses may also be made

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using ultraviolet ("UV") light curing techniques." The admitted prior art does not reach the extent of "displaying menu items that are configured to collect prescription information" and "saving the collected prescription information as a job in a database".

However, Saigo's SPECTACLE LENS SUPPLY METHOD works with a terminal installed at a lens orderer side and at least a computing device installed at a lens processor side, and in particular, the terminal transmits processing condition data including at least one of lens information, frame information, prescription values, layout information and processing information to the computing device (Abstract). Applicant's attention is also drawn to the order entry screen of Saigo's fig 6, in which an initial input process is carried out (col 6, line 33 – col 7, line 6). Field 62 is used to present "menu items" (e.g., selectable items appearing in a menu), whereby the prescription values are entered. The "job" orders of Saigo are transmitted to the mainframe 201 (col 9, line 15 – col 10, line 55), where a lens polishing process produces the specified prescription lens (see also fig 1, reference numeral 200). Since up to 15 orders can be transmitted at a time, some form of "database" must be built of the "job" records.

Thus, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to use the "menu"-based "database" population scheme of Saigo to provide instructions to the "curing unit" that applicant admits is "conventional". The motivation is to extend the variety of lenses that may be made by the Saigo terminal.

As per claim 1166's "lens type", please note Saigo's identical LENS TYPE, step S1, fig 2; col 6, lines 37 – 48). Since lens material may be specified in Saigo, this would require "monomer type" input (claim 1167), in the obvious adaptation to the "conventional" "curing unit" implementation. The specification of frame shape measurement (col 7, lines 52 – 67) reads upon claim 1168's "lens position". Note further that [a] lens color may be specified in Saigo, as in claim 1169's "tinting".

Saigo teaches the acquisition of information including spherical and cylindrical refracting powers, astigmatism axes, and additions for the right and left eyes, to read upon the data acquired in claim 1170 for "a spheric single vision lens or an aspheric single vision lens". Furthermore, Saigo discloses applicability to progressive multifocal lenses (col 10, lines 1 – 55) using this same set of values, as in claim 1171's "flattop bifocal lens or an symmetrical progressive lens".

In accepting values for the fields of the order entry screen, Saigo is capable of "verifying that information has been entered in the menu items" (claim 1172), since the system will know when something has indeed been entered. Also, the procedure of Saigo involves "waiting until all the information is entered before saving the prescription information", in the plausible event that the user has produced a complete set of data for a "job" (claim 1173). Finally, a principal feature of the Saigo disclosure is that of "verifying that the entered information represents a lens that can be formed" (claim 1174), by providing information as to whether a lens process including beveling is possible or not (col 2, lines 18 – 25).

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The transmitted information from the Saigo terminal, as noted above, contains "database" "job" records, where each can be seen as a "job ticket" (claim 1175).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining US Patent documents made of record are related to applicant's problem of specifying prescription eyeglass information.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

5 April 2004.